

SENATE BILL No. 26

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2; IC 31-17-5.

Synopsis: Grandparent visitation. Provides that a child's grandparent may seek visitation rights when a parent or guardian of the child unreasonably denies or restricts visitation. Eliminates current conditions under which a grandparent may seek visitation rights. Specifies the court in which a grandparent seeking visitation rights may file a petition.

Effective: July 1, 2009.

Waterman

January 7, 2009, read first time and referred to Committee on Judiciary.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 26

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-9-2-49 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 49. "Guardian", for
3 purposes of the juvenile law **and IC 31-17-5**, means a person
4 appointed by a court to have the care and custody of a child or the
5 child's estate, or both.

6 SECTION 2. IC 31-9-2-88 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 88. "Parent", for
8 purposes of the juvenile law **and IC 31-17-5**, means a biological or an
9 adoptive parent. Unless otherwise specified, the term includes both
10 parents, regardless of their marital status.

11 SECTION 3. IC 31-17-5-1 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) A child's
13 grandparent may seek visitation rights if
14 ~~(1) the child's parent is deceased;~~
15 ~~(2) the marriage of the child's parents has been dissolved in~~
16 ~~Indiana; or~~
17 ~~(3) subject to subsection (b); the child was born out of wedlock.~~



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a parent or guardian of the child unreasonably:

(1) denies; or

(2) restricts;

visitation by the grandparent.

(b) A court may not grant visitation rights to a paternal grandparent of a child who is born out of wedlock ~~under subsection (a)(3)~~ if the child's father has not established paternity in relation to the child.

SECTION 4. IC 31-17-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. A proceeding for grandparent's visitation must be commenced by the filing of a petition entitled, "In Re the visitation of _____". The petition must:

(1) be filed by a grandparent entitled to receive visitation rights under this chapter;

(2) be verified; and

(3) set forth the following:

(A) The names and relationship of:

(i) the petitioning grandparent or grandparents;

(ii) each child with whom visitation is sought; and

(iii) the ~~custodial~~ parent or guardian of each child.

(B) The present address of each person named in clause (A).

(C) The date of birth of each child with whom visitation is sought.

(D) The status under section 1 of this chapter upon which the grandparent seeks visitation.

(E) The relief sought.

SECTION 5. IC 31-17-5-4, AS AMENDED BY P.L.50-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. A grandparent seeking visitation rights shall file a petition requesting reasonable visitation rights:

(1) **except as provided in subdivision (2)**, in a circuit, superior, or probate court of the county in which the child resides in a case described in ~~section 1(a)(1), 1(a)(3)~~, **section 1(a)** or 10 of this chapter; or

(2) in the court having jurisdiction over the dissolution of the parents' marriage ~~in a case described in section 1(a)(2) of this chapter~~; **if the marriage of the child's parents has been dissolved in Indiana.**

SECTION 6. IC 31-17-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. Whenever a petition is filed, a copy of the petition, together with a copy of a summons, shall be served upon the ~~custodial and noncustodial~~ parent or guardian of each child with whom visitation is sought in the same manner as

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1 service of summons in civil actions generally.

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